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MEMORANDUM ENDORSEMENT

Robb v. Brewster et al, No. 7:22-cv-4301 (NSR)

Despite the Court's clearly delineated briefing schedule set forth in ECF No. 4, Defendant City of Poughkeepsie has failed to follow the Court's instructions and has filed its motion to dismiss moving papers and its reply memorandum prematurely. Defendant's motion to dismiss is DENIED without prejudice for failure to follow the Court's instructions.

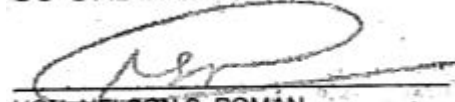
As set forth in the Court's Order dated June 16, 2022 (ECF No. 4), the motion to dismiss briefing schedule is as follows: (1) Defendant's moving papers were to be served (not filed) on August 1, 2022; (2) Plaintiff's opposition papers are to be served (not filed) on September 15, 2022; and Defendant's reply papers are to be served on October 3, 2022. All motion papers are to be filed by the parties on reply date October 3, 2022. Defendant shall re-file its motion papers on October 3, 2022, as instructed.

The Clerk of Court is respectfully directed to terminate the motion at ECF No. 8.

DATED: September 13, 2022

White Plains, NY

SO ORDERED:


HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE

8915-89/dmf

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOSEPH ROBB,

Plaintiff,

NOTICE OF MOTION

7:22-CV-04301(NSR)(PED)

-against-

JOSEPH BREWSTER, CITY OF POUGHKEEPSIE POLICE
DEPARTMENT and CITY OF POUGHKEEPSIE,

Defendants.
-----X

S I R (S):

PLEASE TAKE NOTICE, that upon the annexed affidavit of David L. Posner, Esq., the attached exhibits, and memorandum of law, defendants will move for an order dismissing plaintiff's complaint for failure to state a claim and because it is barred by the statute of limitations, said motion to be heard before this Court at the courthouse located at 300 Quarropas Street, White Plains, New York.

PLEASE TAKE FURTHER NOTICE, that pursuant to the Court's scheduling order plaintiff's opposition papers shall be served, not filed on September 15, 2022, and defendants' reply papers shall be served on October 3, 2022 on which date all motion papers are to be filed.

DATED: Poughkeepsie, New York
August 1, 2022

Yours, etc.

McCABE & MACK LLP

By: 

David L. Posner

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